

**ENTERED**

January 05, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**DONNELL WATSON,  
(TDCJ # 01766415)

Plaintiff,

vs.

PHILLIP D. LANDON, *et al.*,

Defendants.

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CIVIL ACTION NO. H-24-3878

**MEMORANDUM OPINION AND ORDER**

Plaintiff Donnell Watson, (TDCJ # 01766415), is an inmate at the Estelle Unit of the Texas Department of Criminal Justice–Correctional Institutions Division. He filed a civil rights complaint under 42 U.S.C. § 1983 against Captain Phillip D. Landon, Correctional Officer Emmanuel D. Ndibnu, and Major Roland C. Weaver, alleging that they violated his civil rights by filing a false disciplinary proceeding against him and then falsifying the records of the hearing. (Docket Entry No. 1). He also filed a motion for leave to proceed without prepaying the filing fee. (Docket Entry No. 2). The court denied the motion for leave to proceed without prepaying the filing fee because Watson did not include a certified copy of his inmate trust fund account statement as required by 28 U.S.C. § 1915(a)(2). (Docket Entry No. 5). In the denial order, the court gave Watson 30 days in which to provide the court with a certified copy of his inmate trust fund account statement as required. (*Id.*).

On November 18, 2024, Watson filed a second motion to proceed in this action without prepaying the filing fee. (Docket Entry No. 6). But as with his first motion, Watson’s second motion did not include a certified copy of his inmate trust fund account statement. Watson’s time to file a properly supported motion to proceed without prepaying the filing fee under the court’s

order has now expired. His failure to provide the court with the necessary supporting documents forces the court to conclude that he lacks due diligence. Dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (a district court may dismiss an action on its own for failure to prosecute or to comply with any court order).

Watson may seek relief from this order under Federal Rule of Civil Procedure 60(b) if he can show good cause for failing to comply with the court's order. Any motion under Rule 60(b) must be accompanied by either the filing fee of \$405.00 or a properly supported motion to proceed without prepaying the filing fee, including a certified copy of his inmate trust fund account statement.

Watson's complaint, (Docket Entry No. 1), is dismissed without prejudice for want of prosecution. All pending motions are denied as moot.

SIGNED on December 31, 2024, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is positioned above a horizontal line. The signature is fluid and cursive.

Lee H. Rosenthal  
United States District Judge